



# CJ HENRY LAW FIRM, PLLC

YOUR DISABILITY LAW PARTNER

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October 19, 2017

Office of Regulations and Interpretations,  
Employee Benefits Security Administration  
Room M-5655  
U.S. Dept. of Labor  
200 Constitution Avenue NW  
Washington D.C. 20210

Re: Claims Procedure Regulations for Plans Providing Disability Benefits Examination  
RIN No.: 1210-AB39  
Regulation: 29 C.F.R. §2560.503-1

Dear Mr. Hauser,

As an attorney who represents individuals in claim for Employee Benefits wrongfully denied, my clients and I have a keen interest in the Claims Procedure Regulations for Plans Providing Disability Benefits. I am requesting that the Secretary of Labor not delay the effective date of the Final ERISA claims regulations adopted on December 19, 2016.

I understand that The Department proposed a delay of implementing the final regulations. It appears that the late objectors (ERISA plans, their advocates and insurance companies and their advocates) are seeking to undo the regulations after the fact without going through the rule making process. Those parties were given extensive notice and comment period to provide data supporting their allegations on cost and other challenges by the new regulations. Additionally, the Department honored the various industry requests for more time to adjust to the new rules, by significantly delaying the effective date.

The Secretary weighed the comments from the various stakeholders before constructing the final rules. Now, the ERISA plan organizations, insurance companies and those aligned with those groups are seeking to undo the regulations without following the Administrative Procedure Act (APA) of 1946 (5 U.S.C. §551 et seq., other statutes and court decisions which together guide regulation making and undoing.

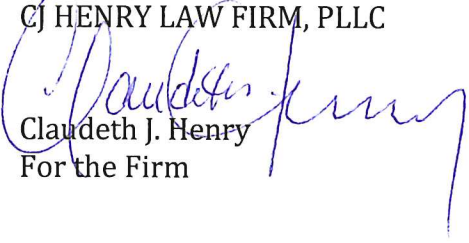
Limited information from the Secretary's office suggests that the final rules are under reconsideration, but there is a lack of transparency from the Secretary. The public is not

being told why this post notice and comment information is more valuable than what was collected during the notice and comment period itself. It appears that there were meetings with industry representatives and that the industry and certain members of Congress sent letters, but the content of these meetings and letters are not entirely disclosed. Of concern is the very short 15-day notice and comment period does not provide time for an individual to make a FOIA request to uncover what is influencing this process

Transparency and following rules is essential to our system of government. Please do not delay the implementation date.

Thank you for your consideration.

Sincerely,  
CJ HENRY LAW FIRM, PLLC

  
Claudeth J. Henry  
For the Firm

CJH/tgb